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Docket No. 4733

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: Eugene P. GOLDBERG, ET AL
Serial No.: 08/141,017
Filed: October 26, 1993
For: METHOD OF AND COMPOSITION FOR
PREVENTING TISSUE DAMAGE
Art Unit: 1502
Examiner: Edward J. Webman

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

In response to the Office Action mailed December 19, 1994, please reconsider the above-captioned application in light of the following remarks.

R E M A R K S

The requirement for restriction and election of species is not understood in view of the issuance by the Examiner of the Official Action on the merits dated June 15, 1994, in which the results of an examination on the merits of all of the claims are set forth. The Examiner is respectfully requested to examine the motives behind the issuance of a requirement for restriction in view of the prior action on the merits and to continue examination of all of the claims herein.

Applicants provisionally elect the invention identified by the Examiner as Group I, namely, claims 1-10, 12 and 14, drawn to a method of protecting by coating.

In response to the requirement to elect a species, applicants respectfully request the Examiner to consider polysaccharides as a distinct species and to examine all claims directed thereto. Should the Examiner persist in requiring election as between hyaluronic acid and carboxymethylcellulose, applicants provisionally elect hyaluronic acid.

Having elected Group I, the Examiner has further required the election of species as between:

- (1) method of protecting tissues in situ; and
- (2) method of protecting bioprostheses by coating.

The Examiner is respectfully requested to consider the fact that many of the bioprostheses set forth in the application constitute tissue. It is virtually impossible, therefore, to distinguish as between "tissues" and "bioprostheses" in many instances. The Examiner is respectfully requested to consider these materials as a single species or to further explain the basis for the requirement for election.

In any event, applicants provisionally elect the species identified by the Examiner as (1) method of protecting tissues in situ.

A further action on the merits is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any additional fees due (or credit any overpayment thereof) to Deposit Account No. 11-0610 (Docket No. 4733).

Respectfully submitted,

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